



REGION 10
SEATTLE, WA 98101

July 12, 2024

David Lucas
Makah Tribe
P.O. Box 115
Neah Bay, WA 98357

Failure to Complete Tier 2 Public Notification Requirements, Makah, PWS ID 105300012

Dear Mr. Lucas:

Makah water system failed to meet the requirements of Tier 2 Public Notification (PN), which constitutes a violation of the National Primary Drinking Water Regulations [40 CFR 141.203](#). On 4/22/2024, Makah received a Notice of Violation letter for Maximum Contaminant Level (MCL) Violation: Exceedance of Haloacetic Acids (HAA5) Disinfection Byproduct. In this letter, PN requirements were outlined, and instructions, a template, and a certification were provided.

Tier 2 PN must be delivered as soon as practical but no later than 30 days after the system learns of the situation [[40 CFR 141.203\(b\)\(1\)](#)]. Makah failed to meet this requirement. Notifying customers in a timely manner of the situation is important so that customers can take proper precautions.

A copy of the PN that was delivered, along with a certification that the Public Water System complied with all PN requirements must be submitted to the Environmental Protection Agency (EPA) within 10 days after providing PN to customers [[40 CFR 141.31\(d\)](#)]. Makah failed to meet this requirement.

To return to compliance Makah must:

1. If the PN was already delivered to customers, submit a copy along with the certification to R10TribalDW@epa.gov as soon as possible.

-OR-

2. Deliver a PN to customers and submit a copy along with the certification to R10TribalDW@epa.gov as soon as possible.

This letter serves as initial notification of non-compliance under the Safe Drinking Water Act for the regulation and time period cited. EPA supports compliance assistance and encourages early action to return to compliance. Issues not addressed in a timely manner may be referred to enforcement. Prior to an enforcement action for the cited violation(s), EPA Region 10 will offer government-to-

government consultation, in accordance with the [EPA Policy on Consultation and Coordination with Indian Tribes](#).

A list of all violations and their status can be viewed at any time by visiting Drinking Water Watch: <https://sdwisdww.epa.gov/DWWR10/>. Please contact R10TribalDW@epa.gov with questions.

Sincerely,

Chris Affeldt
Acting Manager
Groundwater and Drinking Water Section

cc: Henry Cross, Makah Tribe
Sandy Redsteer, Indian Health Service